

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 7, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-31305 - APPLICANT: MARK BERRY - OWNER:
CENTENNIAL CENTRE, LLC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Supper Club use, including parking requirements.
2. Conformance to the conditions for Special Use Permit (U-0078-01) and Site Development Plan Review [Z-0076-98(1)], if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 4,027 square-foot Supper Club on 22.75 acres at 7870 West Tropical Parkway. The subject commercial pad was previously approved as a Supper Club via a Special Use Permit (U-0077-01) and utilized as a Supper Club without major impact to the surrounding area. There are no requested Waivers as part of this application. The proposed use meets the minimum Title 19.04 requirements of a Supper Club use, and staff finds that public health, safety, and welfare will not be compromised. Therefore, staff recommends approval

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a request to Rezone this site to T-C (Town Center) as part of a larger request (Z-0076-98). The Planning Commission and staff recommended approval.
02/08/99	The City Council approved a request for a Site Development Plan Review [Z-0076-98(1)] for a proposed retail development (Centennial Centre) totaling approximately 827,000 square feet and seven proposed automobile dealerships. The Planning Commission and staff recommended approval.
09/05/01	The City Council approved Special Use Permits for five Supper Clubs (U-007501, U-0076-01, U-0077-01, U-0078-01, and U-0079-01) on the subject parcel, including the subject restaurant. The Planning Commission and staff recommended approval.
06/18/03	The City Council approved a Special Use Permit (SUP-2194) for a Restaurant Service Bar at 7930 West Tropical Parkway. The Planning Commission and staff recommended approval.
09/17/03	The City Council approved a Special Use Permit (SUP-2659) for a proposed Financial Institution, Specified, at 6275 Centennial Center Boulevard, Suite 150. Planning Commission and staff recommended approval.
11/19/03	The City Council approved Extensions of Time (EOT-3010, EOT-3011, EOT-3012, and EOT-3013) of four approved Supper Clubs on the subject parcel, including the subject restaurant. The Planning Commission and staff recommended approval.
01/08/04	Staff approved an Administrative Review (SDR-3408) for a proposed one-story, 4,975 square-foot Tavern on a portion of 18.86 acres adjacent to the south side of Centennial Center Boulevard, approximately 1,260 feet north of Tropical Parkway.
06/21/06	The City Council approved a Special Use Permit (SUP-12743) for a proposed Gaming (Restricted) use in conjunction with an existing restaurant at 7870 West Tropical Parkway. The Planning Commission and Staff recommended approval.

07/11/07	The City Council approved a Special Use Permit (SUP-21419) for a Restaurant with Beer/Wine/Cooler On-Sale at 6181 Centennial Center Boulevard. The Planning Commission and staff recommended approval.
08/01/07	The City Council approved a request for a Special Use Permit (SUP-21954) for a Beer/Wine/Cooler On-Sale Establishment at 7920 West Tropical Parkway, Suite #170. The Planning Commission and Staff Recommended approval.
08/09/07	The Planning Commission approved a request for a Site Development Plan Review (SDR-22920) for an approved 7,588 square-foot Supper Club at 7880 West Tropical Parkway. Staff recommended approval.
12/04/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #22/leh).

<i>Related Building Permits/Business Licenses</i>	
10/17/05	A business license (#L21-00005) was issued for a Supper Club (Vallarta's Mexican Restaurant) at 7870 West Tropical Parkway. The license became inactive 12/18/07.
10/19/05	A Certificate of Occupancy (#5003744) was issued for Vallarta's Mexican Restaurant at 7870 West Tropical Parkway.
10/16/08	A temporary sign permit (#31087) was issued at 7870 West Tropical Parkway for a "Coming Soon" banner. The permit was issued from 10/16/08 to 12/14/08.
<i>Pre-Application Meeting</i>	
10/21/08	A pre-application meeting was held where Planning staff advised the applicant of the application requirements for a Special Use Permit for a Supper Club.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	22.75

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	TC (Town Center)	T-C (Town Center) [GC-TC (General Service – Town Center) Special Land Use Designation]
North	Undeveloped	TC (Town Center)	T-C (Town Center) [GC-TC (General Service – Town Center) Special Land Use Designation]

South	Shopping Center	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial – Town Center) Special Land Use Designation]
East	Shopping Center	TC (Town Center)	T-C (Town Center) [GC-TC (General Service – Town Center) Special Land Use Designation]
West	Shopping Center	TC (Town Center)	T-C (Town Center) [GC-TC (General Service – Town Center) – Special Land Use Designation]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	30,187	1:250	123	7	404	19	
TOTAL			130		423		Y
Loading Spaces			3		3		Y

ANALYSIS

The applicant is proposing a 4,027 square-foot Supper Club at 7870 West Tropical Parkway. The subject site is located within a 30,187 square-foot Shopping Center. Four other existing pad sites, including three restaurants, are adjacent to the subject site and share access with the subject site. The four pads share a common parking area which provides ample parking for the site. Primary access to the site is from two drives internal to the commercial subdivision that connects to West Tropical Parkway.

Per the Town Center Development Standards, the proposed Supper Club requires a Special Use Permit. The subject location was previously approved and utilized as a Supper Club. A license for the Supper Club use was issued at the subject location on October 10th, 2005 and remained active through December 18th, 2007. However the use and liquor license became inactive on December 18th, 2007 and expired June 18th, 2008 after remaining inactive for a six-month period. This application is a request to reinstate the Supper Club use on the subject site.

- **Zoning**

This site is located within the Town Center Special Area Plan of the Centennial Hills Sector Plan. More specifically, the proposed development pad is contained within Centennial Centre, a master-planned retail center governed by the Centennial Centre Development Criteria and Guidelines. The entire retail center is encompassed by the GC-TC (General Commercial – Town Center) land use designation, which allows for more intense uses such as auto dealerships and hotels.

- **Floor Plan**

The applicant proposes a 4,027 square-foot Supper Club. The floor plan consists of an entry vestibule with waiting area, bar and bar dining area with 50 seats, main and side dining areas with 76 seats and complete kitchen with storage, food prep and washing areas. The plan also includes a patio area with 49 seats. The overall floor plan depicts over 125 seats outside of the bar area for the restaurant which complies with Title 19.04 standards for the Supper Club use

- **Minimum Special Use Permit Requirements**

Title 19.04.010 lists the following conditions for the Supper Club use.

1. No supper club use shall be located within 400-feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.

2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed Supper Club which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed Supper Club. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
3. In the case of a Supper Club proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the Supper Club will be located, without regard to intervening obstacles, or nearest property line of a leasehold or occupancy parcel in which the Supper Club will be located, without regard to intervening obstacles.
 - b. In the case of a proposed Supper Club which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the Supper Club will be located, without regard to intervening obstacles.
4. When considering a Special Use Permit application for a Supper Club which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- *5. In the O District, a Supper Club is permitted only as an accessory use.

- *6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

*Any condition with an asterisk cannot be waived.

The subject commercial pad was previously approved as a Supper Club through Special Use Permit (U-0077-01) and utilized as a Supper Club without major impact to the surrounding area. There are no requested Waivers as part of this application. The proposed use meets the minimum Title 19.04 requirements of a Supper Club use, and staff finds that public health, safety, and welfare will not be compromised. Therefore, staff recommends approval.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The subject site was previously utilized as a Supper Club without negative impact to the area. Staff finds the proposed Supper Club use is harmonious and compatible with the surrounding development pattern, which includes existing general commercial uses on all sides of the subject site.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The applicant has depicted 125 seats outside of the bar area for the restaurant which complies with Title 19.04 standards for the Supper Club use, adequate parking is provided including required handicapped parking and the site is located adjacent to roadways capable of handling all of the traffic generated from the proposed use. Staff finds the site to be physically suitable for the intensity of the proposed land use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is from two internal drives to the commercial subdivision that connect to West Tropical Parkway, designated a 90-foot Frontage Road in the Master Plan of Streets and Highways and has more than adequate capacity to meet the needs of the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Supper Club will be subject to inspections for Certificate of Occupancy, as well as periodic inspection by the Southern Nevada Health District, City of Las Vegas Business and Licensing and therefore the development will not compromise the public health, safety or welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed use at the subject location meets all applicable Title 19.04 conditions for the Supper Club use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 308 by City Clerk

APPROVALS 2

PROTESTS 0